

## EXHIBIT A



State of Alabama Unified Judicial System Form ARCiv-93 Rev. 9/18	<b>COVER SHEET</b> <b>CIRCUIT COURT - CIVIL CASE</b> (Not For Domestic Relations Cases)	Ca: <b>11</b> Date of Filing: 02/08/2019 JUDGE OF TRIAL: <b>CALHOUN COUNTY, ALABAMA</b> CLERK: <b>KIM MCCARSON, CLERK</b> Judge Code:
<b>GENERAL INFORMATION</b>		
<b>IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA</b> <b>JANICE F. BETTS v. O'CHARLEY'S, LLC</b>		
<b>First Plaintiff:</b> <input type="checkbox"/> Business <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other		
<b>First Defendant:</b> <input checked="" type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other		
<b>NATURE OF SUIT:</b> Select primary cause of action, by checking box (check only one) that best characterizes your action:		
<b>TORTS: PERSONAL INJURY</b> <input type="checkbox"/> WDEA - Wrongful Death <input checked="" type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonness <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____	<b>OTHER CIVIL FILINGS (cont'd)</b> <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division <input type="checkbox"/> CVUD - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> EPFA - Elder Protection From Abuse <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP - Workers' Compensation <input type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case	
<b>TORTS: PERSONAL INJURY</b> <input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Property	<b>OTHER CIVIL FILINGS</b> <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Services	
<b>ORIGIN:</b> F <input checked="" type="checkbox"/> <b>INITIAL FILING</b> A <input type="checkbox"/> <b>APPEAL FROM DISTRICT COURT</b> O <input type="checkbox"/> <b>OTHER</b> R <input type="checkbox"/> <b>REMANDED</b> T <input type="checkbox"/> <b>TRANSFERRED FROM OTHER CIRCUIT COURT</b>		
<b>HAS JURY TRIAL BEEN DEMANDED?</b> <input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <b>Note:</b> Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)		
<b>RELIEF REQUESTED:</b> <input checked="" type="checkbox"/> <b>MONETARY AWARD REQUESTED</b> <input type="checkbox"/> <b>NO MONETARY AWARD REQUESTED</b>		
<b>ATTORNEY CODE:</b> ELR004 2/8/2019 4:18:31 PM /s/ W. ROPER ELROD Date Signature of Attorney/Party filing this form		
<b>MEDIATION REQUESTED:</b> <input type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/> <b>UNDECIDED</b>		
<b>Election to Proceed under the Alabama Rules for Expedited Civil Actions:</b> <input type="checkbox"/> <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b>		



**IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA**

**JANICE BETTS, an individual;**

**Plaintiff,**

**v.**

**O'CHARLEY'S, LLC, a corporation; and  
ABC, being the person, firm or corporation  
which owned, operated, or controlled the  
O'CHARLEY'S, LLC located at 4 Recreation  
Drive in Oxford, Alabama on February 24,  
2017; DEF, being the person, firm, or  
corporation who was responsible for  
maintaining and keeping the exterior of the  
restaurant free from dangerous property  
conditions, including falling signage for  
O'CHARLEY'S, LLC located at 4 Recreation  
Drive in Oxford, Alabama; and  
GHI, being the individual manager or  
supervisory person at the O'CHARLEY'S,  
LLC located at 4 Recreation Drive in Oxford,  
Alabama who was responsible for  
maintaining and keeping the premises free of  
dangerous property conditions and hazards  
at the time of the Plaintiff's injury, whose  
true names and legal status are unknown to  
the Plaintiff at this time, but who will be  
added by amendment as soon as ascertained,**

**Defendants.**

**CIVIL ACTION NO. \_\_\_\_\_**

**JURY DEMAND**

**COMPLAINT**

**I. PARTIES**

1. The Plaintiff, JANICE BETTS, is an individual resident of Calhoun County, Alabama.

2. The Defendant, O'CHARLEY'S, LLC, (hereinafter referred to as "O'Charley's"), is

a foreign corporation which regularly does business in Calhoun County, Alabama.

3. Fictitious Defendant(s), ABC, is/are believed to be a resident citizen, municipality, and/or a corporation doing business in Calhoun County, Alabama, at all material times referred to herein.

4. Fictitious Defendant(s), DEF, is/are believed to be a resident citizen, municipality, and/or a corporation doing business in Calhoun County, Alabama, at all material times referred to herein.

5. Fictitious Defendant(s), GHI, is/are believed to be a resident citizen, municipality, and/or a corporation doing business in Calhoun County, Alabama, at all material times referred to herein.

6. The incident which forms the basis of this case occurred at the O'Charley's restaurant located at 4 Recreation Drive, Oxford, Alabama, in Calhoun County.

## **II. FACTS**

7. On or about February 24, 2017, the Plaintiff, Janice Betts, was a business invitee on the premises of O'Charley's restaurant in Oxford, Alabama, in Calhoun County. As Plaintiff Janice Betts was entering the O'Charley's, a sign owned, possessed and controlled by O'Charley's fell and struck Plaintiff's body. As a direct and proximate result of the aforementioned incident, she was caused to sustain severe and permanent injuries.

## **III. FIRST CAUSE OF ACTION - NEGLIGENCE/WANTONNESS** **(O'CHARLEY'S and ABC)**

8. Plaintiff re-alleges and incorporates herein by reference each and every allegation set forth above.

9. The Plaintiff avers that all of her injuries and damages were proximately caused by the negligence and/or wantonness of the Defendant O'Charley's and/or Defendant ABC and/or their agents, servants, or employees while acting within the line and scope of their employment for the Defendants.

10. At the time of the incident which is the subject of this action, Ms. Betts was a business invitee on the premises of O'Charley's restaurant located at 4 Recreation Drive, Oxford, Alabama, in Calhoun County. All of her injuries and damages were caused by the negligent and/or wanton failure of the Defendant O'Charley's and/or Defendant ABC to use reasonable care to provide her with a reasonably safe environment.

**IV. SECOND CAUSE OF ACTION - NEGLIGENCE/WANTONNESS**  
**(DEFENDANT DEF)**

11. Plaintiff re-alleges and incorporates herein by reference each and every allegation set forth above.

12. The Plaintiff avers that all of her injuries and damages were proximately caused by the negligence and/or wantonness of the Defendant, DEF, and its agents, servants, or employees while acting within the line and scope of their employment for the Defendant, DEF.

13. At the time of the incident which is the subject of this action, Ms. Betts was a business invitee on the premises of O'Charley's restaurant located at 4 Recreation Drive, Oxford, Alabama, in Calhoun County. All of her injuries and damages were caused by the negligent and/or wanton failure of the Defendant, DEF, to use reasonable care to provide her with a reasonably safe environment.

**V. THIRD CAUSE OF ACTION - NEGLIGENCE/WANTONNESS**  
**(DEFENDANT GHI)**

14. Plaintiff re-alleges and incorporates herein by reference each and every allegation set forth above.

15. The Plaintiff avers that all of her injuries and damages were proximately caused by the negligence and/or wantonness of Defendant GHI, and its agents, servants, or employees while acting within the line and scope of their employment for the Defendant, GHI.

16. At the time of the incident which is the subject of this action, Ms. Betts was a business invitee on the premises of O'Charley's restaurant located at 4 Recreation Drive, Oxford, Alabama, in Calhoun County. All of her injuries and damages were caused by the negligent and/or wanton failure of the Defendant, GHI, to use reasonable care to provide her with a reasonably safe environment.

**VI. DAMAGES**

17. As a result of the negligent and wanton acts or omissions of the Defendant(s), the Plaintiff suffered physically and emotionally, and now seeks to recover for the following injuries and economic/non-economic damages:

- (a) Past medical expenses;
- (b) Future medical expenses;
- (c) Past and future wage loss including permanent impairment of earning capacity;
- (d) Permanent physical disability;
- (e) Past and future physical pain and mental anguish; and
- (f) Other damages allowed by law.

**VII. JURY DEMAND**

18. The Plaintiff demands trial by jury.

Respectfully submitted,

/s/ W. ROPER ELROD

W. ROPER ELROD (ELR004)

*Attorney for Plaintiff*

**WETTERMARK & KEITH, LLC**

3595 Grandview Parkway, Suite 350

Birmingham, AL 35243

P. (205) 933-9500

F. (205) 994-7257

Email: relrod@wkfirm.com

**PLEASE SERVE DEFENDANTS BY CERTIFIED MAIL**

O'CHARLEY'S, LLC  
c/o C T Corporation System  
2 North Jackson Street  
Suite 605  
Montgomery, AL 36104

**IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA**

**JANICE BETTS, an individual;**

**Plaintiff,**

**v.**

**O'CHARLEY'S, LLC, a corporation; and  
ABC, being the person, firm or corporation  
which owned, operated, or controlled the  
O'CHARLEY'S, LLC located at 4 Recreation  
Drive in Oxford, Alabama on February 24,  
2017; DEF, being the person, firm, or  
corporation who was responsible for  
maintaining and keeping the exterior of the  
restaurant free from dangerous property  
conditions, including falling signage for  
O'CHARLEY'S, LLC located at 4 Recreation  
Drive in Oxford, Alabama; and  
GHI, being the individual manager or  
supervisory person at the O'CHARLEY'S,  
LLC located at 4 Recreation Drive in Oxford,  
Alabama who was responsible for  
maintaining and keeping the premises free of  
dangerous property conditions and hazards  
at the time of the Plaintiff's injury, whose  
true names and legal status are unknown to  
the Plaintiff at this time, but who will be  
added by amendment as soon as ascertained,**

**Defendants.**

**CIVIL ACTION NO. \_\_\_\_\_**

**INTERROGATORIES TO DEFENDANT**  
**O'CHARLEY'S, LLC**

**COMES NOW** the Plaintiff, Janice Betts, pursuant to Rule 33 of the Alabama Rules of Civil



Procedure, and propounds the following Interrogatories to the Defendant, O'Charley's, LLC, (hereinafter referred to as "O'Charley's") as follows:

1. Please state the full name, address, job title, and present employer of each person answering and assisting in answering these interrogatories on behalf of this defendant.

**ANSWER:**

2. State the name and address of the owner of the O'Charley's store related to this suit.

**ANSWER:**

3. State the name and address of the person or entity in exclusive possession and/or control of the O'Charley's store on February 24, 2017, at the time of the incident in question.

**ANSWER:**

4. State the name and address of the person or entity in control of that area of the premises where the incident in question occurred at the time of the occurrence.

**ANSWER:**

5. State the name and address of each person, including experts, having any knowledge of relevant facts related to the accident which is the basis of this suit, the cause thereof, or the damages resulting therefrom.

**ANSWER:**

6. State the name, address, and telephone number of any persons who witnessed the occurrence in question.

**ANSWER:**

7. State the name and address of any potential party to this lawsuit, not already named as a party hereto.

**ANSWER:**

8. Please state whether you have a copy of any statement which the plaintiff has previously made concerning this action or its subject matter and which is in your possession, custody, or control.

For the purpose of this question, a statement previously made includes (1) a written statement signed or otherwise adopted or approved by the person making it, or (2) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

**ANSWER:**

9. Describe any insurance agreement under which any insurance business may be liable to satisfy part or all of the judgment which may be entered in this action, or to indemnify or reimburse for payments made to satisfy the judgment, by stating the name of the person or entity insured, the name of the insurer, and the amount of any liability insurance coverage.

**ANSWER:**

10. Describe in your own words how the incident made this basis of this suit occurred and state specifically and in detail what the claim or contention of the defendant will be regarding any cause or contributing cause of the incident, including a statement in detail of the facts or information upon which this contention is based.

**ANSWER:**

11. Describe in detail any conversations you have had with the plaintiff or plaintiff's representative following the incident in question.

**ANSWER:**

12. State the full name, current address, telephone number, qualifications, and present employment of each person who you expect to call as an expert witness at the trial of this case, the subject matter on which each expert is expected to testify, the substance of the facts and opinions to which each such expert is expected to testify, and a summary of the grounds for each opinion expected to be expressed by such expert.

**ANSWER:**

13. Please state the full name of the individual answering these Interrogatories, as well as your correct title and position within the organizational structure of the entity identified in the answers to the following questions (O'Charley's), at the present time and on the date of the occurrence in question.

**ANSWER:**

14. Please state the full and correct name of the defendant's corporate entity, the date on which incorporated, the state of incorporation, the names and addresses of all officers, and when the corporation was licensed to do business in the State of Alabama.

**ANSWER:**

15. Please describe in detail any previous incident(s) of which the defendant is aware which occurred in substantially the same way as the plaintiff's accident or in the same or nearby location during the previous five (5) years.

**ANSWER:**

16. Please describe in detail any changes that have been made by the defendant to the physical site of the accident or to the warnings or signs relating thereto since the occurrence in question.

**ANSWER:**

17. If you have entered into or reached any type of settlement agreement with any person or entity (whether a party to this lawsuit or not) regarding the incident made the basis of this lawsuit, please identify all parties to said settlement agreement and the terms and conditions of such settlement agreement.

**ANSWER:**

18. Did the defendant conduct an investigation of the incident which forms the basis of this suit?

**ANSWER:**

19. Is it, or was it at the time of the accident made the basis of this lawsuit, the regular course of business and standard procedure for the defendant to investigate any accident on the premises wherein somebody was injured?

**ANSWER:**

20. If there was an investigation made of the incident that forms the basis of this suit, please state whether the defendant conducted such investigation in anticipation of litigation, and if so, state each fact of which defendant was aware at the time of the investigation that caused it to believe that it was conducting the investigation in anticipation of litigation.

**ANSWER:**

21. Please state the name of the person or persons who conducted the investigation of the occurrence in question.

**ANSWER:**

22. What is the defendant's contention as to the cause of the accident which forms the basis of this suit?

**ANSWER:**

23. What is the defendant's contention as to the plaintiff's legal status on the premises at the time of the occurrence in question, i.e., whether plaintiff was a business invitee, licensee, or trespasser?

**ANSWER:**

24. If you contend that the plaintiff was not a business invitee at the time of the occurrence in question, please state and describe each fact, document or thing on which you base such a contention.

**ANSWER:**

25. When was the date and time of the last inspection by defendant, its agents or employees, of the physical site where this accident occurred?

**ANSWER:**

26. Please state whether the defendant was aware of the defect or condition which plaintiff alleges to be the cause of the occurrence in question.

**ANSWER:**

27. Describe what efforts the defendant made to warn of the condition or defect which plaintiff alleges to be the location and cause of the occurrence in question.

**ANSWER:**

28. What is the defendant's contention as to the plaintiff's knowledge (before the accident), objective or subjective, of the defect or condition which the plaintiff alleges to be the cause of the occurrence in question?

**ANSWER:**

29. Please describe any claims or lawsuits that have heretofore been brought against this defendant by reason of an accident or injury at the same or similar location, or a similar type of accident on the defendant's premises at some other location, within the last five (5) years.

**ANSWER:**

30. What efforts were made by the defendant to correct the condition or defect, which plaintiff contends caused the occurrence in question, before the accident in question?

**ANSWER:**

31. What efforts were made by the defendant to correct the condition or defect, which plaintiff contends cause the occurrence in question, after the accident in question?

**ANSWER:**

32. If the defendant corrected, repaired or fixed in any way the defect or condition which the plaintiff alleges to have been the cause of the accident in question, please state what the cost of repair was, the date the repairs were done, and the name, address and telephone number of the person or firm carrying out such repair work.

**ANSWER:**

33. Does the defendant contend that the plaintiff consumed alcoholic beverages or drugs at the time of or immediately preceding the time of the accident?

**ANSWER:**

34. What does the defendant contend to be the condition of the premises on the occasion in question with respect to:

- (a) lighting;
- (b) repair and maintenance;
- (c) visibility;

- (d) slipperiness of walking surface;
- (e) dampness; and
- (f) physical obstructions.

**ANSWER:**

35. Did the defendant have any procedures for regular inspection of the premises at the time of the occurrence in question? If so, please describe.

**ANSWER:**

36. Please identify all photographs, motion pictures, video TV recordings, surveillance videos, maps, drawings, charts, diagrams, measurements, surveys or other documents concerning the events and happenings made the basis of this lawsuit, the area of the occurrence made the basis of this lawsuit, persons or objects involved, either made before, at the time of or after the time of the events in question, including any photographs made of you at any time since the incident made the basis of this lawsuit, that you, your attorney, your insurance carrier or anyone acting on your or their behalf, have or know of.

**ANSWER:**

37. Please state the name and address of each employee on duty at the time of the incident made the basis of this lawsuit.

**ANSWER:**

38. Please list the names and addresses of all managers or persons having supervisory authority at the O'Charley's store in Oxford, Alabama, on the date of the occurrence made the basis of this suit, regardless of whether he/she was on duty at the time of the accident made the basis of this suit.

**ANSWER:**

39. Please describe what training procedures, if any, are followed in the course of training of the defendant's employees with regard to customers' slipping and/or falling. This includes any and all written material, slides, photographs, films, videotapes, etc. which defendant utilizes in training its employees.

**ANSWER:**

40. If a report was made by an employee of defendant in the ordinary course of business with respect to plaintiff's accident, state the name and address of the person who made the report, the date thereof, and in whose custody it is.

**ANSWER:**

Respectfully submitted,

/s/ W. ROPER ELROD

W. ROPER ELROD (ELR004)

*Attorney for Plaintiff*

**WETTERMARK & KEITH, LLC**

3595 Grandview Parkway, Suite 350

Birmingham, AL 35243

P. (205) 933-9500

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Email: relrod@wkfirm.com

**PLEASE SERVE WITH SUMMONS AND COMPLAINT**



**IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA**

**JANICE BETTS, an individual;**

**Plaintiff,**

**v.**

**O'CHARLEY'S, LLC, a corporation;  
ABC, being the person, firm or corporation  
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O'CHARLEY'S, LLC located at 4 Recreation  
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at the time of the Plaintiff's injury, whose  
true names and legal status are unknown to  
the Plaintiff at this time, but who will be  
added by amendment as soon as ascertained,**

**Defendants.**

**CIVIL ACTION NO. \_\_\_\_\_**

**PLAINTIFF'S REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
DEFENDANT O'CHARLEY'S, LLC**

**COMES NOW** the Plaintiff, Janice Betts, by and through undersigned counsel, and pursuant to Rule 34 of the Alabama Rules of Civil Procedure, and requests that this Defendant, O'Charley's, LLC, produce or make available for inspection and copying the following documents:

1. Any contracts between the owner of the O'Charley's store located at the address of 4 Recreation Drive, Oxford, AL 36203, and the defendant at the time of the plaintiff's injury, and for the year immediately preceding the plaintiff's injury.

**RESPONSE:**

2. Contracts between the defendant and any maintenance and/or repair service in effect at the time of the plaintiff's injury, and for the year immediately preceding the plaintiff's injury.

**RESPONSE:**

3. Contracts between the owner of the O'Charley's store and any maintenance and/or repair service in effect at the time of the plaintiff's injury.

**RESPONSE:**

4. Any indemnity agreement between any party to this lawsuit and any nonparty which is relevant to the accident and injuries made the basis of this suit.

**RESPONSE:**

5. Any rules, management guidelines, operating guidelines, or other similar writing or document that purport to show operating procedures for the management, care, maintenance, repair, and service of the O'Charley's store in question.

**RESPONSE:**

6. Any and all photographs that the defendant has of the scene of incident or the resulting injuries to the plaintiff.

**RESPONSE:**

7. Any and all expert reports which have been obtained from any expert, and if a report has not been prepared, the preparation of a report is hereby requested.

**RESPONSE:**

8. Any and all insurance agreements or policies under which any person or entity carrying on an insurance business may be liable to satisfy part or all of a judgment which may be rendered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

**RESPONSE:**

9. Copies of any and all statements previously made by the plaintiff concerning the subject matter of this lawsuit, including any written statement signed or otherwise adopted or approved by the plaintiff hereto and any stenographic, mechanical, electrical, or other type of recording or any transcription thereof made by plaintiff hereto and contemporaneously recorded.

**RESPONSE:**

10. Any and all drawings, maps, blueprints, diagrams, schematics, layouts, or sketches of the scene of the accident made the basis of this lawsuit.

**RESPONSE:**

11. Any and all settlement agreements, wherein you have arrived at a settlement or agreement between you and any other person, whether or not a party to this lawsuit, regarding or pertaining to the incident made the basis of this lawsuit or any damages resulting therefrom.

**RESPONSE:**

12. A copy of any and all surveillance footage, movies, videos, or photographs which have been made of plaintiff at any time by this Defendant, at this Defendant's request, or is currently in the possession of this Defendant.

**RESPONSE:**

13. Any and all expert reports that were or will be reviewed by a testifying expert in this case.

**RESPONSE:**

14. Any and all expert reports or things that were or will be relied upon in whole or in part by any testifying expert.

**RESPONSE:**

15. Any and all work papers, notes, and/or documents in the file of any expert witness who is expected to testify, or in the file of any expert witness who has written a report that is or will be relied upon in whole or in part by a testifying expert in this case.

**RESPONSE:**

16. All documents or tangible things prepared by an expert whom you expect to call as a witness, including, but not limited to, any report, factual observations, opinions, conclusions, photographs, field notes, calculations, models, and exhibits.

**RESPONSE:**

17. Any treatises and/or authoritative literature on which any expert intends to rely in his testimony in this case.

**RESPONSE:**

18. Copies of reports of any and all similar accidents prepared by any and all employees of the O'Charley's store in question for the five (5) year period prior to the accident made the basis of this lawsuit up to and through the present date.

**RESPONSE:**

19. A current copy of the curriculum vitae or resume of any expert who may be called to testify at trial.

**RESPONSE:**

20. All materials including, but not limited to, employee manuals, memoranda, and/or correspondence pertaining to safety rules and/or regulations to be followed by the employees of the defendant to ensure customer safety in the defendant's store.

**RESPONSE:**

21. All site inspection reports or other documents relating to observation of site cleanliness and/or safety of the area in which the plaintiff was injured, by any person or entity, including the defendant, for the O'Charley's store in question, for a period of one year prior to, and all dates subsequent to, the date of the accident made the basis of this lawsuit.

**RESPONSE:**

22. Copies of any and all documentation for the area in which the plaintiff was injured, including, but not limited to, cleanup orders, log books, journals, and service orders relating to the cleaning and maintenance of the area in which the plaintiff was injured, which set forth all requests for maintenance and verification that each maintenance request was completed, including the name of the employee who requested the work and the name of the person who carried out the maintenance on the date of the accident made the basis of this lawsuit, for a period of one year prior to, and all

dates subsequent to, the date of the accident made the basis of this lawsuit.

**RESPONSE:**

23. Produce any documents, reports, or other written records pertaining to any investigation conducted by this Defendant, or by any individual/entity on behalf of this Defendant, concerning the subject incident, that is not privileged at law. If there are documents, reports, or other written records pertaining to any investigation that is privileged at law, please produce a privilege log.

**RESPONSE:**

24. Any and all books, documents, photographs, or other tangible things which may be used at the time of the trial, which may have any bearing on this cause of action.

**RESPONSE:**

25. Any and all documents and/or tangible things whose production has not been requested pursuant to any other item of this request which you intend to offer into evidence at the trial of this case.

**RESPONSE:**

26. All video surveillance footage, or otherwise, depicting the Plaintiff on the Defendant's premises on the day of the subject incident.

**RESPONSE:**

27. All social media posts by Janice Betts that are possessed by Defendant.

**RESPONSE:**

Respectfully submitted,

/s/ W. ROPER ELROD

W. ROPER ELROD (ELR004)

*Attorney for Plaintiff*

**WETTERMARK & KEITH, LLC**

3595 Grandview Parkway, Suite 350

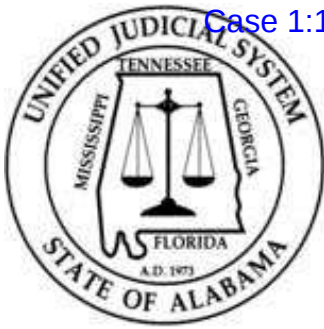
Birmingham, AL 35243

P. (205) 933-9500

F. (205) 994-7257

Email: relrod@wkfirm.com

**PLEASE SERVE WITH SUMMONS AND COMPLAINT**



## AlaFile E-Notice

11-CV-2019-900100.00

To: W. ROPER ELROD  
wrelrod27@gmail.com

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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA

JANICE F. BETTS V. O'CHARLEY'S, LLC  
11-CV-2019-900100.00

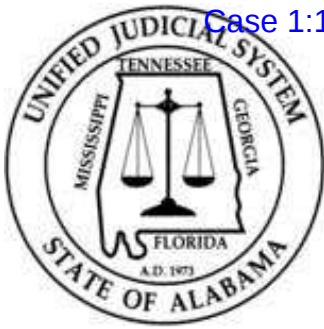
The following complaint was FILED on 2/8/2019 4:18:46 PM

Notice Date: 2/8/2019 4:18:46 PM

KIM MCCARSON  
CIRCUIT COURT CLERK  
CALHOUN COUNTY, ALABAMA  
25 WEST 11TH STREET  
ANNISTON, AL, 36201

256-231-1750  
Kim.McCarson@alacourt.gov





## AlaFile E-Notice

11-CV-2019-900100.00

To: O'CHARLEY'S, LLC  
C/O C T CORP. SYSTEM  
2 N. JACKSON ST. STE 605  
MONTGOMERY, AL, 36104

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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA

JANICE F. BETTS V. O'CHARLEY'S, LLC  
11-CV-2019-900100.00

The following complaint was FILED on 2/8/2019 4:18:46 PM

Notice Date: 2/8/2019 4:18:46 PM

KIM MCCARSON  
CIRCUIT COURT CLERK  
CALHOUN COUNTY, ALABAMA  
25 WEST 11TH STREET  
ANNISTON, AL, 36201

256-231-1750  
Kim.McCarson@alacourt.gov

<b>State of Alabama</b> <b>Unified Judicial System</b> <b>Form C-34 Rev. 4/2017</b>	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number</b> <b>11-CV-2019-900100.00</b>
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**IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA**  
**JANICE F. BETTS V. O'CHARLEY'S, LLC**

**NOTICE TO:** O'CHARLEY'S, LLC, C/O C T CORP. SYSTEM 2 N. JACKSON ST. STE 605, MONTGOMERY, AL 36104  
*(Name and Address of Defendant)*

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THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),  
 W. ROPER ELROD  
*[Name(s) of Attorney(s)]*

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WHOSE ADDRESS(ES) IS/ARE: 3595 GRANDVIEW PKWY, SUITE #350, BIRMINGHAM, AL 35243  
*[Address(es) of Plaintiff(s) or Attorney(s)]*

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

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**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:**

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request of JANICE F. BETTS  
*[Name(s)]*

pursuant to the Alabama Rules of the Civil Procedure.

2/8/2019 4:18:46 PM /s/ KIM MCCARSON By: \_\_\_\_\_  
*(Date)* *(Signature of Clerk)* *(Name)*

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☒ Certified Mail is hereby requested. /s/ W. ROPER ELROD  
*(Plaintiff's/Attorney's Signature)*

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**RETURN ON SERVICE**

☐ Return receipt of certified mail received in this office on \_\_\_\_\_  
*(Date)*

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to \_\_\_\_\_  
*(Name of Person Served)*

in \_\_\_\_\_ County,  
*(Name of County)*

Alabama on \_\_\_\_\_  
*(Date)*

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*(Type of Process Server)* *(Server's Signature)* *(Address of Server)*

---

*(Server's Printed Name)* *(Phone Number of Server)*

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

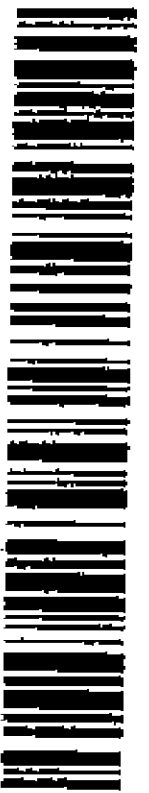
0/19-900707

O'CHARLEYS, LLC

C/O C T CORP. SYSTEM

2 N. JACKSON ST. STE 605

MONTGOMERY, AL 36104



9590 9402 4154 8092 4777 82

2. Article Number (Transfer from service label)

7016 3010 0000 0696 3949

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

*Diana McHale*

McHale

Agent

☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

FEB 13 2019

D. Is delivery address different from Item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

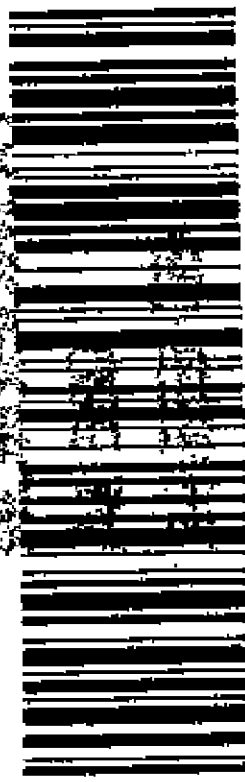
3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☒ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Restricted Delivery

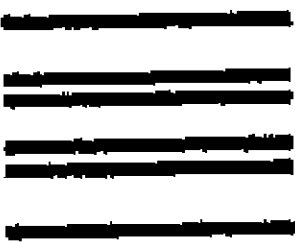
Domestic Return Receipt

**USPS TRACKING #**



9590 9402 4154 8092 4777 82

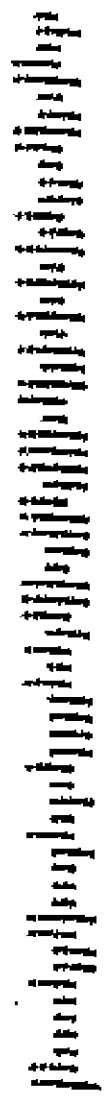
**United States  
Postal Service**



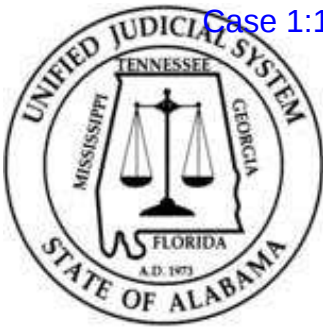
**First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10**

• Sender: Please print your name, address, and ZIP+4® in this box•

**Kim McCarson  
Circuit Clerk of Calhoun County  
300 Calhoun County Courthouse  
25 West 11th Street  
Anniston, AL 36201**



9590 9402 4154 8092 4777 82



## AlaFile E-Notice

11-CV-2019-900100.00

Judge: BRIAN P HOWELL

To: ELROD WILLIAM ROPER  
wrelrod27@gmail.com

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## NOTICE OF SERVICE

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IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA

JANICE F. BETTS V. O'CHARLEY'S, LLC  
11-CV-2019-900100.00

The following matter was served on 2/13/2019

**D001 O'CHARLEY'S, LLC**

**Corresponding To**  
CERTIFIED MAIL

KIM MCCARSON  
CIRCUIT COURT CLERK  
CALHOUN COUNTY, ALABAMA  
25 WEST 11TH STREET  
ANNISTON, AL, 36201

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